



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Agenda Board of Port Commissioners

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Tuesday, October 8, 2019

10:00 AM

Don L. Nay Port Administration Boardroom

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### Closed Session

Please complete a Request to Speak form prior to the commencement of the meeting and submit it to the District Clerk.

Items under the Consent Agenda section are considered to be routine, and will be acted upon with one vote. If you wish for an item to be removed from the Consent Agenda for further discussion, please submit your request to the District Clerk prior to the commencement of the meeting.

In keeping with the Americans with Disabilities Act (ADA), the San Diego Unified Port District will make every reasonable effort to encourage participation in all its public meetings. If you require assistance or auxiliary aids in order to participate at this public meeting, please contact the Office of the District Clerk at [publicrecords@portofsandiego.org](mailto:publicrecords@portofsandiego.org) or (619) 686 6206 at least 48 hours prior to the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the San Diego Unified Port District to all or a majority of the Board of Port Commissioners, including those records distributed less than 72 hours prior to that meeting, are available for public inspection at the Office of the District Clerk, 3165 Pacific Highway, San Diego, California during normal business hours.

For those planning to attend the Board meeting, accessible parking is available in the Port Administration Building parking lot. All parking spots marked "Reserved" in the main parking lot at 3165 Pacific Highway are available for use by the public on Board Meeting days. Overflow parking can be accommodated to the west of the Port Administration Building in the Port District Employee/Visitor parking.

For the agenda online and more information about the Commissioners' names and city representation, and future Board meeting dates, please visit our website at [www.portofsandiego.org](http://www.portofsandiego.org). As a courtesy to all who attend these public meetings, please turn all cell phones to off or vibrate before entering the Board Room.

**A. Roll Call.****B. Public Communications.**

*Please limit comments to 3 minutes per speaker. No actions may be taken on these items.*

**CLOSED SESSION**

1.     [2019-0397](#)     Closed Session Item No. 1  
  
PERSONNEL EVALUATION:  
EXECUTIVE DIRECTOR/PRESIDENT/CHIEF EXECUTIVE OFFICER  
Government Code Section 54957
2.     [2019-0398](#)     Closed Session Item No. 2  
  
CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section 54957.6  
  
Agency Negotiator: Garry Bonelli  
Unrepresented Employee: President/Chief Executive Officer/Executive Director
3.     [2019-0394](#)     Closed Session Item No. 3  
  
PUBLIC EMPLOYEE PERSONNEL EVALUATION:  
GENERAL COUNSEL  
Government Code Section 54957
4.     [2019-0395](#)     Closed Session Item No. 4  
  
CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section 54957.6  
  
Agency Negotiator: Garry Bonelli  
Unrepresented Employee: General Counsel
5.     [2019-0404](#)     Closed Session Item No. 5  
  
CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
Government Code Section 54956.8  
Property: SDUPD - Parcels of land totaling approximately 147,642 square feet, 45,590 square feet, and 25,643 square feet located adjacent to Convention Way between Marina Park Way and Park Blvd in the City of San Diego, California  
Negotiating Parties:  
Fifth Avenue Landing, LLC - Arthur E. Engel and Raymond A. Carpenter  
SDUPD - Lucy Contreras, Adam Meyer, Tony Gordon, Shaun Sumner

- Under Negotiations: Price and Terms
6. [2019-0403](#) Closed Session Item No. 6
- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation Government Code Section 54956.9(d)(2)
- One (1) Case
7. [2019-0402](#) Closed Session Item No. 7
- CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION  
Pursuant to Subdivision (d)(4) of Government Code Section 54956.9
- One (1) Case
8. [2019-0399](#) Closed Session Item No. 8
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9
- Regional Water Quality Control Board Investigative Order R9-2017-0081  
Directing the San Diego Unified Port District and the City of San Diego to  
Submit Technical Reports Pertaining to an Investigation of Sediment  
Chemistry in San Diego Bay Adjacent to the Tenth Avenue Marine  
Terminal, Cesar Chavez Park and Pacific Maritime Freight
9. [2019-0400](#) Closed Session Item No. 9
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9
- California Regional Water Quality Control Board San Diego Region  
Investigative Order No. R9-2011-0036 An Order Directing San Diego  
Unified Port District to Submit Technical Reports Pertaining to Shelter  
Island Yacht Basin Dissolved Copper Total Maximum Daily Load
10. [2019-0401](#) Closed Session Item No. 10
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9
- City of Imperial Beach, et al. v. The International Boundary & Water  
Commission - United States Section, et al.  
United States District Court, Case No. 3:18-CV-00457-JM-LL